

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

ROGER BRIDENDOLPH,

Plaintiff,

v.

**THERESA HORN and
SHERIFF FLOYD,**

Defendants.

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Case No. 17-CV-039-GKF-TLW

OPINION AND ORDER

On January 23, 2017, Plaintiff, a pro se prisoner in custody at the Ottawa County Jail, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 (Dkt. 1) and a motion to proceed *in forma pauperis* (Dkt. 2). At the direction of the Court (Dkt. 3), he filed an amended complaint and an amended motion to proceed *in forma pauperis* on February 10, 2017 (Dkts. 4, 5). Shortly thereafter, he filed a second amended complaint on February 23, 2017 (Dkt. 7).

On April 12, 2017, the Court granted Plaintiff's amended motion to proceed *in forma pauperis* and directed him to pay an initial partial filing fee of \$4.00 by May 12, 2017, pursuant to 28 U.S.C. § 1915(b) (Dkt. 10). The Court's Order directing payment expressly advised Plaintiff that "[f]ailure to comply with this Order will result in dismissal of this action without prejudice and without further notice." *Id.* at 2.


Plaintiff subsequently made inquiries to the Court concerning the status of his case, and the Clerk of Court sent him copies of the docket sheet (Dkts. 12, 13, 14). As of the date of this Order, however, he has not paid the initial partial filing fee or shown cause for his failure to pay, as directed by the Court. Therefore, this action shall be dismissed without prejudice for Plaintiff's failure to

comply with an Order of the Court. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“[D]ismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by the court rules.”).

ACCORDINGLY, IT IS HEREBY ORDERED that:

1. The second amended complaint (Dkt. 7) is **dismissed without prejudice**, based on Plaintiff’s failure to comply with an Order of the Court directing payment of the initial partial filing fee.
2. This is a final Order terminating this action.

DATED this 25th day of July 2017.


GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT